

PROPOSED IDAHO RECLAMATION PROJECTS

1936 PROGRAM

UPPER SNAKE RIVER

- | | |
|--|-----------------|
| 1. South Fork Reservoir, including flood control and power development | \$15,000,000.00 |
| 2. Hebgen Lake diversion from Madison River to Henrys Fork | 8,000,000.00 |

BOISE RIVER

- | | |
|---|---------------|
| 1. Twin Springs dam with power development, transmission lines, drainage, pumping and flood control | 10,000,000.00 |
|---|---------------|

PAYETTE RIVER

- | | |
|---|------------|
| 1. North Fork Payette, supplemental storage for old Payette River lands | 500,000.00 |
|---|------------|

BEAR RIVER

- | | |
|---|--------------|
| 1. Idaho's share of proposed diversion from Green River to Bear River | 3,000,000.00 |
|---|--------------|

MISCELLANEOUS

- | | |
|--|--------------|
| 1. Small Reservoir projects | 6,500,000.00 |
| 2. Surveys and investigations for water utilization in Idaho | 500,000.00 |

TOTAL \$46,500,000.00

This money to be available under a five-year program, as follows:

1st year	\$10,000,000.00
2nd year	12,000,000.00
3rd year	11,000,000.00
4th year	8,000,000.00
5th year	5,500,000.00
Total	\$46,500,000.00

NOV 5 1936
SCANNED

WATER SUPPLY PROJECT

1936

UPPER RIVER

- 1. South Fork Reservoir, including flood control and power development \$18,000,000.00
- 2. Upper Lake Division from Madison River to Henry Lake 6,000,000.00

MIDDLE RIVER

- 1. Twin Springs dam and power development, transmission lines, bridges, pumping and flood control 10,000,000.00

LOWER RIVER

- 1. North Fork Reservoir, supplemental works for old Henry River 300,000.00

ELBA RIVER

- 1. Elba's share of project to be completed from Elba River to Elba 1,000,000.00

WATER SUPPLY PROJECT

- 1. Small dam for Elba River 1,000,000.00
- 2. Survey and plan for Elba River 800,000.00



TOTAL \$24,800,000.00

This money to be available under a five-year program, as follows:

1st year	\$10,000,000.00
2nd year	\$13,000,000.00
3rd year	\$1,000,000.00
4th year	\$5,000,000.00
5th year	\$5,800,000.00
Total	\$44,800,000.00

SCANNED OCT 24 2011

SUMMARY

A firm water supply of 543,000 ac. ft. annually can be diverted from Hebgen Reservoir on the Madison River in Montana to Henry Lake on Snake River in Idaho, by means of a tunnel 43,257 ft. long. From a point 25 feet below high water line at Hebgen Lake to mean high water of Henry Lake there is a fall of 54.57 ft.

There will be 237,000 ac. ft. of storage capacity available in Hebgen Reservoir above the intake of the tunnel for regulating the diversion to a continuous flow of 750 sec. ft.

The estimated cost of the tunnel and approaches, without allowance for engineering, overhead, and contingencies is \$4,720,506.

The water supply proposed to be diverted is now used by the Montana Power Company in eight existing power plants on the Madison and Missouri rivers through a total head of 685 feet.

If the diversion is made, serious shortages would occur in all of the plants of the Montana Power Company except during the months of May, June and July.

The losses created by the proposed diversion would be equivalent to the output of a 22,000 K.W. power installation over a year period, or an additional 360,000 ac. ft. of water.

Alternative plans suggested for offsetting the loss created in Montana include the following:

- Storage on Big Hole River.
- Storage on Yellowstone and its Diversion to upper Missouri watershed.
- Construction of ~~Ashton~~ Plant.
- Development of Additional Power at Mesa Falls with water diverted.
- Reconstruction of Canyon Ferry Power Plant.
- Direct money settlement.

A direct money settlement to the Montana Power Company is the simplest solution for Idaho interests. Construction of power plants at Mesa Falls and Ashton in Idaho will, if the output can be sold at a reasonable figure, entirely repay the costs of the whole development, if undertaken on a 40 year repayment basis without interest.

.....

36-C Mac

January 7, 1936

Mr. F. C. GILLETTE,
County Commissioner,
Victor, Idaho

Dear Mr. Gillette:

Bill Hynes was in the office yesterday and advised me that the impression had gone out in your vicinity that the Teton Basin reservoir project was dead, which I promptly assured him was not the case. I am enclosing herewith copy of a letter which I wrote to Dr. Elwood Mead, U. S. Commissioner of Reclamation, under date of December 13, 1935, with reference to the Teton Basin situation, and a copy of his reply dated December 20th, from which it appears that my reference to the lands in Wyoming to be benefited by the construction of this reservoir confused him as to the location of the reservoir. I am also enclosing copy of a letter which I have written to Doctor Mead today with reference to the situation. I am also taking this matter up with the Idaho Delegation in Congress and hope to secure favorable action upon the Teton site in the near future.

Assuring you and the people of the Teton Basin that I am anxious to cooperate with you in every way possible looking to the relief of the distressing conditions existing in your county, and with kindest personal regards to you all, I am

Very truly yours,

Commissioner of Reclamation

RWF/mt
Enc.

mb-c msc

January 7, 1936

Hon. ELWOOD MEAD,
U. S. Commissioner of Reclamation,
Washington, D. C.

Dear Doctor Mead:

I have your letter dated December 20, 1935, in reply to mine of December 13th, in which you say that a satisfactory reservoir site appears to exist on Teton River, but that there is no assurance that the reservoir can be constructed with the available funds, and that the situation is further complicated by the fact that the storage will not be within the State of Idaho, from which I infer that the reference in my letter to the inclusion of certain lands in Wyoming in the Fremont-Madison Irrigation District confused you as to the location of the reservoir. What I had in mind was the construction of the so-called "Teton Basin reservoir," in Teton County, Idaho, to store something like 50,000 acre feet of water to relieve the shortage existing in Teton County and a small acreage just over the line in Wyoming, included in the Teton Basin area.

As you know, the situation in Teton County is a very distressing one and became so acute last season that the State was forced to send the militia into that district to enforce the law with reference to the distribution and use of water.

If it is true that your Department has passed favorably upon the reservoir site mentioned, I sincerely trust that you will see your way clear to lend your efforts toward the construction of this reservoir at the earliest possible date, and I know that the water users of the Upper Snake River Valley will appreciate anything you may be able to do to further their interests.

With kindest personal regards, and compliments of the season,
I am

Very truly yours,

Commissioner of Reclamation

RWF/mt

36-2711

January 8, 1936

Hon. WILLIAM E. BORAH,
The United States Senate,
Washington, D. C.

My dear Senator Borah:

I am enclosing herewith copy of a letter addressed to Hon. Elwood Mead, U. S. Commissioner of Reclamation, under date of December 13, 1935, with reference to the construction of the so-called "Teton Basin reservoir," in Teton County, Idaho, to store something like 50,000 acre feet of water to relieve the shortage existing in Teton County and a small acreage just over the line in Wyoming, included in the Teton Basin area, for your information.

As you know, the situation in Teton County is a very distressing one and became so acute last season that the State was forced to send the militia into that district to enforce the law with reference to the distribution and use of water.

I sincerely trust that you will lend your efforts toward the construction of this reservoir at the earliest possible date, and you may be assured that the water users of the Upper Snake River Valley will appreciate anything you may be able to do to further their interests.

Very truly yours,

Commissioner of Reclamation

RWF/mt
Enc.

SEVENTY-FOURTH CONGRESS

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HOUSE OF REPRESENTATIVES

COMMITTEE ON
IRRIGATION AND RECLAMATION

WASHINGTON, D. C.

January 13, 1936

COMPTON I. WHITE
FIRST DISTRICT IDAHO

HOME ADDRESS:
CLARKS FORK, IDAHO

COMMITTEES:
IRRIGATION AND RECLAMATION
CHAIRMAN
COINAGE, WEIGHTS, AND MEASURES
PUBLIC LANDS

Mr. R. W. Faris,
Commissioner of Reclamation,
Boise, Idaho.

Dear Mr. Faris:

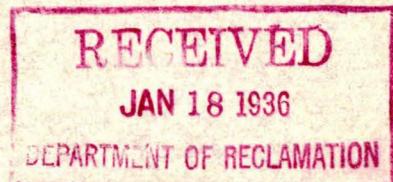
Your letter of January 8, enclosing copy of letter to Dr. Elwood Mead, with reference to the Teton Basin Reservoir, has been received.

I am very much interested in this matter and propose to do everything I can to assist in securing the adoption of the project. I have just arrived at the capital after a rather strenuous trip, and shall take the matter up with Dr. Mead at the first opportunity. I am keeping your letter before me for use when a conference is had on the matter.

Sincerely yours,



CIW-LH



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C. A. LAWTON, CLERK

United States Senate

COMMITTEE ON
AGRICULTURE AND FORESTRY



January 14, 1936

Mr. R. W. Faris
Commissioner of Reclamation
State House
Boise, Idaho

Dear Mr. Faris:

This will acknowledge and thank you for your letter of January 8 with enclosed letter to Dr. Mead regarding the construction of the Teton Basin reservoir.

I have conferred with Dr. Mead with reference to this matter, and you may be assured that I will do everything I can to expedite the construction of this reservoir.

With regards and best wishes,

Very sincerely yours,

A handwritten signature in dark ink, appearing to read "J. A. Lawrence". The signature is fluid and cursive, written over a faint, circular official seal.

KEY PITTMAN, NEV., CHAIRMAN

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United States Senate

COMMITTEE ON FOREIGN RELATIONS

January 14, 1936.

Hon. R. W. Faris;
Commissioner of Reclamation,
Boise, Idaho.

My dear Mr. Faris:

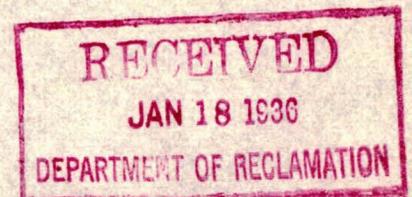
I have yours of the 8th with enclosures,
relative to the Teton Basin Reservoir.

As you know I have been very interested
in this matter for some time. You may be assured, Mr.
Faris, that I shall be glad to cooperate and do every-
thing in my power to be of assistance.

Thank you very much for writing me.

Very sincerely,

Wm. E. Borah



36- Interstate
Ida Montana

RECEIVED
JAN 18 1936
DEPARTMENT OF RECLAMATION

January 17, 1936

Hon. R. F. Walter
Chief Engineer
Bureau of Reclamation
Denver, Colorado

My dear Mr. Walter:

I have your letter dated November 16, 1935, with suggestions as to measures that must be taken in order to secure the consent of Montana interests, and particularly the Montana Power Company, to the diversion of Madison River waters, from Hebgen Lake in Montana to Henry's Lake in Idaho, to all of which we have given consideration.

I am ready at any time to head a delegation to confer with the Montana interests with reference to the matter, but we feel that we should have the results of Mr. Sloan's investigations as a basis for our negotiations with Montana. Otherwise, we would be at a loss to know just what sort of a proposition or plan to present to them, or how much money we could afford to spend to secure the desired results.

I agree with you that the State of Idaho is in a better position to carry on at least the preliminary negotiations with Montana than the Bureau of Reclamation, but assure you that we appreciate the offer of your assistance and advice in the matter.

I would be glad to hear from you by return mail, as to whether you think it advisable to furnish us the information necessary to determine if the cost of the project is within the reach of our people.

With kindest personal regards, and extending the compliments of the season, I am

Yours very truly,

G. BEN ROSS
Governor

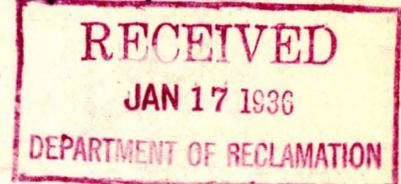
GBR
LR

TETON OIL COMPANY

VICTOR, IDAHO



January 15th, 1936.



Mr Robert W Ferris.
Commissioner Of Reclamation.
Boise, Idaho.

Dear Mr Ferris;-

I thank you very much for your letter of the 8th, inclosing copies of correspondence between your self and Dr. Mead. I assure you I appreciate your attitude in our water difficulties, and trust you are successful in bringing about the necessary developments that will eliminate the difficulties that have been experienced between the upper and lower water user's on the Teton River, either by the construction of the reservoir in Teton Valley or the dirvesion canal from the Madsen River.

As a member of the board of County Commissioners I realize the seriousness of the water condation in Teton County Idaho and have and will continue to work for a analization of that vexing problem., We have as a board tried to cooperate with the State as well as the Federal Reclamation department, in offering whatever helps we could give in that direction.

Letters and resolutions have been framed to the senators and representatives in Washington asking that they give us their utmost support, But it is my opinion that your department working with the Federal department will be able to accomplish more than will our able representatives in Washington, because you understand our situation and can present in in a intelligent way before the Federal Bureau.

If I can be of any assistance to you please feel free to call and I might addk in closing that ~~you~~ we have meet all that has been required of us a water user's association by the Fremont Madsen District in joining with them, The spirit of cooperation between the upper and lower user's was never in the history of this valley as good as it ekhist today, But we feel that all the progress that has been made the understanding that has been acquired will avail us nothing if this reservoir is not constructed or suitable means devised that will take its place before another irrigating seson gets under way, Because I feel that if the lower users make the demands upon the Teton Basin people after they the Basin people have tried to cooperate like they have tried to get into the district and pledge their lands in building a reservoir, That the State will be in the same position they were last year and probally the malitia will be needed.

If you get anything further on the situation I would appreciate hearing from you, Again thaking you for your interest in the matter.

Yours Very Truly

36- Interstate
Idaho-Montana

January 17, 1936

SUGGESTIONS FOR LETTER FROM GOVERNOR ROSS TO R. F. WALTER
RE MADISON RIVER DIVERSION

I have your letter dated November 16, 1935, with suggestions as to measures that must be taken in order to secure the consent of Montana interests, and particularly the Montana Power Company, to the diversion of Madison River waters, from Hebgen Lake in Montana to Henrys Lake in Idaho, to all of which we have given consideration.

I am ready at any time to head a delegation to confer with the Montana interests with reference to the matter, but we feel that we should have the results of Mr. Sloan's investigations as a basis for our negotiations with Montana. Otherwise, we would be at a loss to know just what sort of a proposition or plan to present to them, or how much money we could afford to spend to secure the desired results.

I agree with you that the State of Idaho is in a better position to carry on at least the preliminary negotiations with Montana than would be the Bureau of Reclamation, but assure you that we appreciate the offer of your assistance and advice in the matter.

With kindest personal regards, and compliments of the season, I
am

36-c mai

January 18, 1936

Mr. F. C. GILLETTE,
Victor,
I d a h o

Dear Mr. Gillette:

For your information, I am enclosing copies of letters received today from Senator Borah and Congressman White, in connection with the Teton Basin reservoir project.

Very truly yours,

Commissioner of Reclamation

RWF/mt

D. WORTH CLARK
2d Idaho District

CONGRESS OF THE UNITED STATES
House of Representatives
Washington, D. C.

Lu Lu Shank
Secretary

Committee:
Banking and Currency

January 21, 1936

Mr. H. E. Fuller,
President, Fremont-Madison
Irrigation District,
St. Anthony, Idaho.

Dear Mr. Fuller:

I regret exceedingly not to have replied sooner to your letter of December 10 in connection with the reclamation problems on the Teton river, but the fact of the matter is I have been working on this constantly and hesitated to write until I had something definite to report.

I have had numerous conferences with Dr. Mead and others on this matter and I regret to say that the situation does not look too good.

In the first place, the \$2,000,000 which was taken away from the \$4,000,000 allocation is not going to be restored. This seems absolutely final. You will recall, of course, that this \$2,000,000 was withdrawn just prior to my taking office in January, 1935. Numerous conferences with the Bureau of Reclamation last year led me to believe that it would be restored just as soon as feasible dam sites could be approved. Unquestionably Commissioner Mead was promised a restoration, but the ground upon which they have refused the restoration is that the allocation was primarily for work relief and that the relief load in the vicinity of the Teton River is not great enough to warrant the expenditure. This is the technical reason given, but I think the situation is much more far-reaching. I had a long conference with Mead just a few days ago and the fact seems to be that they are afraid they cannot get water behind the dam on the Teton river, despite the fact that a site has been approved. Of course all of the old arguments came into play, namely, that the American Falls dam has only filled twice in the last ten or twelve years; that there is going to be a great deal of difficulty filling the new dam being constructed on the North Fork, despite the fact that there will

Mr. H. E. Fuller,
Page - 2.

be about 45,000 acre feet primary right for the North Fork dam regardless of whether the American Falls fills or not.

It is true that technically the Government has some unbled storage in American Falls, but this was allocated a long time ago to lands below the dam and is now being leased on five-year leases to various districts in the vicinity of Minidoka County. As you know, this storage was originally meant for the Minidoka extension project which has never been constructed.

I firmly believe that if the Bureau of Reclamation can be convinced that water will be obtainable to fill a dam on the Teton river it can get the money to build it. At least that is the impression the Bureau gives me. In fact, the Bureau has already opened negotiations with the Montana Power Company to purchase the 500,000 acre feet of available water in Heggun Lake. The power company is willing to sell at a fair price, and the Bureau is willing to buy and transport the water into the Snake by tunnel. The hitch is in a Montana law which makes it a misdemeanor to sell Montana water for use outside the State. I have already begun negotiations with the Montana authorities with a view to remedying this situation. As you probably know, Governor Cooney, before his death, was very much opposed to the use of any Montana water in Idaho. I think now, however, that the situation is much different and that we can get some results, but it will probably take at least a year.

No one regrets more than I do this state of affairs. Just before I left for Idaho last August I had the definite assurance of the Bureau of Reclamation that the Teton river site had been approved, and that the contract for the construction of the dam would be let. Of course the Bureau figured on restoration of the \$2,000,000, and met with a flat refusal and, as I stated heretofore, I believe that the whole trouble is that they are now dubious as to where the water is coming from. I would appreciate very much indeed if you could give me your reactions to this entire situation as I want to give every bit of attention and thought of which I am capable to this present problem.

Sincerely yours,

D. Worth Clark.

DWC:

3

Address All Communications to
THE CHIEF ENGINEER

UNITED STATES
DEPARTMENT OF THE INTERIOR
Bureau of Reclamation
Customhouse

Office of the
Chief Engineer

Denver, Colorado

January 21, 1936.

Hon. C. Ben Ross,
Governor of Idaho,
Boise, Idaho.

My dear Governor Ross:

In reply to your letter of January 17, 1936, I wish to advise that we have not yet made copies of Mr. Sloan's report as it was deemed advisable to include with his report a full discussion of the situation to be met in Montana, and if possible also an estimate of cost for such measures as might need to be taken in order to secure the right to divert the waters of Hebgen Lake to Henrys Fork in Idaho.

The need for data on Mr. Sloan's investigations in connection with the negotiations with Montana interests, is fully recognized, and for your information, I am transmitting a copy of the summary appearing in Mr. Sloan's report. You will note that he reports a divertable water supply of 543,000 acre feet annually, provided the right is secured to divert all of the waters flowing into the Hebgen Reservoir. Madison River has a relatively constant flow and the diversion of this amount of water from that stream will leave no dependable water for use in Montana from the Hebgen Reservoir. This is mentioned for the reason that Montana interests may desire to know to what extent they can depend on water from Hebgen Lake in low years of runoff if the proposed transmountain diversion should be authorized.

Very truly yours,

Signed: A. F. WALTER
Chief Engineer.

Encl.

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION
WASHINGTON

OFFICE OF THE COMMISSIONER

JAN 21 1936

Mr. R. W. Faris,
Commissioner, Department of Reclamation,
Boise, Idaho.

Dear Mr. Faris:

I have received your letter of January 7, 1936, in which you again urge early construction of the Teton reservoir.

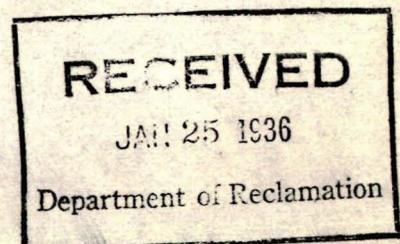
I realize fully the serious situation existing in this valley but our studies have not indicated yet that water is available for storage without conflict with downstream interests. As you know American Falls has not filled in several years and I cannot consistently recommend the construction of a reservoir without assurance that there is water to fill it.

Our investigations are still incomplete and everyone is hopeful that this project will be found feasible.

I thank you for your good wishes.

Sincerely yours,

E. Hooverhead.
Commissioner.



Address all communications to
THE COMMISSIONER

UNITED STATES
DEPARTMENT OF THE INTERIOR
Bureau of Reclamation
Washington

Office of the Commissioner

Jan. 21, 1936

Mr. R. W. Faris,
Commissioner of Reclamation,
Boise, Idaho.

Dear Mr. Faris:

I have received your letter of January 7, 1936, in which you again urge early construction of the Teton Reservoir.

I realize fully the serious situation existing in this valley but our studies have not indicated yet that water is available for storage without conflict with the downstream interests. As you know American Falls has not filled in several years and I can not consistently recommend the construction of a reservoir without assurance that there is water to fill it.

Our investigations are still incomplete and everyone is hopeful that this project will be found feasible.

I thank you for your good wishes.

Sincerely yours,

Signed: Elwood Mead
Commissioner

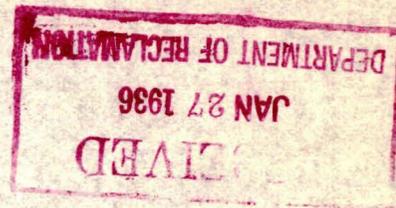
D. WORTH CLARK
2d IDAHO DISTRICT

LU LU SHANK
SECRETARY

COMMITTEE:
BANKING AND CURRENCY

Congress of the United States
House of Representatives
Washington, D. C.

January 22, 1936.



Mr. R.W. Faris,
Commissioner of Reclamation,
Boise, Idaho.

Dear Bob:

In connection with your recent letter I am enclosing copy of a letter which I have just written to the Fremont-Madison Irrigation District.

I wish, Bob, you would give me your reactions to this entire situation. We simply must do something, although we are sunk as far as getting a restoration of the \$2,000,000 is concerned. The WPA is going to run out of money before July 1, and they are grabbing new moneys every place they can find it and from every other Department.

Sincerely yours,

A handwritten signature in dark ink, appearing to read "D. Worth Clark", written in a cursive style.

D. Worth Clark.

Enclosure
DWC:
j

CLASS OF SERVICE DESIRED	
DOMESTIC	CABLE
TELEGRAM	FULL RATE
DAY LETTER	DEFERRED
NIGHT MESSAGE	CABLE LETTER
NIGHT LETTER	WEEK END LETTER

Patrons should check class of service desired; otherwise message will be transmitted as a full-rate communication.

WESTERN UNION

NEWCOMB CARLTON, PRESIDENT

J. C. WILLEVER, FIRST VICE-PRESIDENT

NO.	CASH OR CHG.
CHECK	
TIME FILED	

Send the following message, subject to the terms on back hereof, which are hereby agreed to

JANUARY 23, 1936

W. J. HUNTER,

MONTPELIER, IDAHO

REFERENCE TELEPHONE CONVERSATION LAST NIGHT (STOP) I NEVER PERSONALLY OR OFFICIALLY PROMISED ANY CONTRIBUTION TO GREEN RIVER INVESTIGATIONS BUT AT MY REQUEST WATER CONSERVATION BOARD MADE ALLOCATION TWO THOUSAND DOLLARS THAT PURPOSE (STOP) SUBSEQUENTLY ATTORNEY GENERAL RENDERED OPINION HOLDING WATER BOARD LAW UNCONSTITUTIONAL WHICH TIED UP THEIR APPROPRIATION (STOP) TO MEET EMERGENCY I SENT ^{TO} UNITED STATES BUREAU RECLAMATION CLAIM VOUCHER THOUSAND DOLLARS JANUARY FOURTEEN (STOP) IF WATER BOARD FOUND UNABLE TO CONTRIBUTE SATISFIED OTHER THOUSAND CAN BE RAISED (STOP) I AM IN HEARTY SYMPATHY WITH MOVEMENT AND HAVE ALREADY GIVEN PROPOSITION CONSIDERABLE STUDY AND COLLECTED LOT OF INFORMATION (STOP) WANT TO COOPERATE WITH SETTLERS EVERY WAY POSSIBLE BUT DON'T WANT TO BE MISUNDERSTOOD OR MISREPRESENTED

R. W. FARIS
COMMISSIONER OF RECLAMATION

Charge: State Dept. Reclamation

DAY LETTER

5- Interstate
Idaho - Wyoming
Green River Diversion

ALL MESSAGES TAKEN BY THIS COMPANY ARE SUBJECT TO THE FOLLOWING TERMS:

To guard against mistakes or delays, the sender of a message should order it repeated, that is, telegraphed back to the originating office for comparison. For this, one-half the unrepeated message rate is charged in addition. Unless otherwise indicated on its face, this is an unrepeated message and paid for as such, in consideration whereof it is agreed between the sender of the message and this company as follows:

1. The company shall not be liable for mistakes or delays in the transmission or delivery, or for non-delivery, of any message received for transmission at the unrepeated-message rate beyond the sum of five hundred dollars; nor for mistakes or delays in the transmission or delivery, or for non-delivery, of any message received for transmission at the repeated-message rate beyond the sum of five thousand dollars, *unless specially valued*; nor in any case for delays arising from unavoidable interruption in the working of its lines; nor for errors in cipher or obscure messages.
2. In any event the company shall not be liable for damages for mistakes or delays in the transmission or delivery, or for the non-delivery, of any message, whether caused by the negligence of its servants or otherwise, beyond the sum of five thousand dollars, at which amount each message is deemed to be valued, unless a greater value is stated in writing by the sender thereof at the time the message is tendered for transmission, and unless the repeated-message rate is paid or agreed to be paid, and an additional charge equal to one-tenth of one percent of the amount by which such valuation shall exceed five thousand dollars.
3. The company is hereby made the agent of the sender, without liability, to forward this message over the lines of any other company when necessary to reach its destination.
4. Domestic messages and incoming cable messages will be delivered free within one-half mile of the company's office in towns of 5,000 population or less, and within one mile of such office in other cities or towns. Beyond these limits the company does not undertake to make delivery, but will, without liability, at the sender's request, as his agent and at his expense, endeavor to contract for him for such delivery at a reasonable price.
5. No responsibility attaches to this company concerning messages until the same are accepted at one of its transmitting offices; and if a message is sent to such office by one of the company's messengers, he acts for that purpose as the agent of the sender.
6. The company will not be liable for damages or statutory penalties in any case where the claim is not presented in writing within sixty days after the message is filed with the company for transmission.
7. It is agreed that in any action by the company to recover the tolls for any message or messages the prompt and correct transmission and delivery thereof shall be presumed, subject to rebuttal by competent evidence.
8. Special terms governing the transmission of messages according to their classes, as enumerated below, shall apply to messages in each of such respective classes in addition to all the foregoing terms.
9. No employee of the company is authorized to vary the foregoing.

THE WESTERN UNION TELEGRAPH COMPANY
INCORPORATED
NEWCOMB CARLTON, PRESIDENT

CLASSES OF SERVICE

TELEGRAMS

A full-rate expedited service.

NIGHT MESSAGES

Accepted up to 2:00 A.M. at reduced rates to be sent during the night and delivered not earlier than the morning of the ensuing business day.

Night Messages may at the option of the Telegraph Company be mailed at destination to the addressees, and the Company shall be deemed to have discharged its obligation in such cases with respect to delivery by mailing such night messages at destination, postage prepaid.

DAY LETTERS

A deferred day service at rates lower than the standard telegram rates as follows: One and one-half times the standard night letter rate for the transmission of 50 words or less and one-fifth of the initial rates for each additional 10 words or less.

SPECIAL TERMS APPLYING TO DAY LETTERS:

In further consideration of the reduced rate for this special Day Letter service, the following special terms in addition to those enumerated above are hereby agreed to:

A. Day Letters may be forwarded by the Telegraph Company as a deferred service and the transmission and delivery of such Day Letters is, in all respects, subordinate to the priority of transmission and delivery of regular telegrams.

B. This Day Letter is received subject to the express understanding and agreement that the Company does not undertake that a Day Letter shall be delivered on the day of its date absolutely, and at all events; but that the Company's obligation in this respect is subject to the condition that there shall remain sufficient time for the transmission and delivery of such Day Letter on the day of its date during regular office hours, subject to the priority of the transmission of regular telegrams under the conditions named above.

No employee of the Company is authorized to vary the foregoing.

NIGHT LETTERS

Accepted up to 2:00 A.M. for delivery on the morning of the ensuing business day, at rates still lower than standard night message rates, as follows: The stand-

ard telegram rate for 10 words shall be charged for the transmission of 50 words or less, and one-fifth of such standard telegram rate for 10 words shall be charged for each additional 10 words or less.

SPECIAL TERMS APPLYING TO NIGHT LETTERS:

In further consideration of the reduced rates for this special Night Letter service, the following special terms in addition to those enumerated above are hereby agreed to:

Night Letters may at the option of the Telegraph Company be mailed at destination to the addressees, and the Company shall be deemed to have discharged its obligation in such cases with respect to delivery by mailing such Night Letters at destination, postage prepaid.

No employee of the Company is authorized to vary the foregoing.

FULL RATE CABLES

An expedited service throughout. Code language permitted.

DEFERRED HALF-RATE CABLES

Half-rate messages are subject to being deferred in favor of full rate messages for not exceeding 24 hours. Must be in language of country of origin or of destination, or in French. This class of service is in effect with most European countries and with various other countries throughout the world. Full particulars supplied on application at any Western Union Office.

CABLE NIGHT LETTERS

An overnight, low-rate service for plain language communications. The language of the country of destination may be employed, if the Night Letter service is in operation to that country. Subject to delivery at the convenience of the Company within 24 hours if telegraphic delivery is selected. Delivery by mail beyond London will be made if a full mailing address is given and the words "Post London" are written after the destination. Rates vary according to country of destination; minimum charge based on 20 or 25 words.

WEEK-END LETTERS

At still lower rates. Similar to Night Letters except that they are accepted up to midnight Saturday for delivery Monday morning, if telegraphic delivery is selected. Rates vary according to country of destination; minimum charge based on 20 or 25 words.

36 - Interstate
Idaho-Montana

January 23, 1936

Mr. J. S. JAMES,
State Engineer,
Helena, Montana

Dear Mr. James:

If available, we would greatly appreciate a compilation of the Montana State Water Laws.

Unless something unexpected turns up to prevent, the Governor, a representative of the Attorney General's office, some members of our State Water Conservation Board and I will be up to see you along about the 9th of February, to talk over Madison River matters.

With kindest personal regards and anticipating seeing you in the near future, I am

Very truly yours,

Commissioner of Reclamation

RWF/mt

36-c misc

January 24, 1936

Mr. F. C. GILLETTE,
Victor,
I d a h o

Dear Mr. Gillette:

We are enclosing herewith copy of a letter from Senator Pope with reference to the Teton Basin reservoir, which is self-explanatory. We are anxious to cooperate with your people in every way with respect to this matter and trust that you will keep us advised as to developments.

With kindest personal regards to you all, I am

Very truly yours,

Commissioner of Reclamation

RWF/mt
Enc.

January 26, 1936

Honorable W. Elmer Holt
Governor of Montana
Helena, Montana

My dear Governor Holt:

Before the passing of Governor Cessney, our Commissioner of Reclamation and I met with the Governor of Montana, relative to the possibilities of bringing water from Hobson Lake, through the mountain, into Henry's Lake, for irrigation purposes, in Idaho.

The Reclamation Department has completed its survey, and it looks as though the project is feasible. However, it will be necessary for us to develop an equal amount of water for the Montana Power Company, which could be run through their turbines and afterwards no doubt used for irrigation in Montana, if land were available to which the water could be carried through a system of canals.

It is our desire to discuss this matter with you, and therefore, if it would be possible for you and your State Engineer to meet our Commissioner of Reclamation and myself in your office, the morning of February 10, we will make a trip to your Capital City for the conference.

Kindly let me hear from you as to whether it will be possible for you to meet with us on that date.

Yours very truly,

C. BEN ROSS
Governor

CBR
LR

36-C
Mead

January 28, 1936

Mr. F. C. GILLETTE,
Victor,
Idaho

Dear Mr. Gillette:

I am enclosing herewith copy of letter from Congressman Clark to me and a copy of his letter to Mr. H. E. Fuller, together with copy of letter from Dr. Elwood Mead with reference to the Teton Basin situation. As you are probably aware, Doctor Mead died a few days ago and I very much fear that the matter will have to be gone over again with his successor. I will, however, keep in touch with the situation and advise you as to developments.

With kindest regards to you all, I am

Very truly yours,

Commissioner of Reclamation

RWF/mt
Enc.

36-c
Miss.
(9th. wt. Res)

January 29, 1936

Hon. D. WORTH CLARK, M. C.
Washington, D. C.

Dear Worth:

I have your letter dated January 22, 1936, enclosing a copy of letter from you to H. E. Fuller, with reference to the construction of a reservoir in Teton Basin, and requesting my reaction as to this situation. I am enclosing herewith copy of a letter recently received from Doctor Mead, which reflects the attitude of the Bureau of Reclamation with reference to the matter.

As stated in Doctor Mead's letter, it is a fact that American Falls reservoir has filled only twice since it was constructed in 1925-26. As I assume you know, the Secretary of the Interior holds a decree of the Federal Court for the storage of 1,700,000 acre feet of water in American Falls reservoir. Various adjustments and arrangements have been made to increase the amount of water available for storage in American Falls reservoir, but unless some new water can be developed or a larger increase in saving of waste water is effected I can see no water available for storage in the proposed Teton Basin reservoir when American Falls and Island Park have been filled.

We have a preliminary report on the Madison River project today which is quite favorable. The U. S. Bureau of Reclamation reports 543,000 acre feet of water available for diversion from the Madison River, at a cost of \$4,720,000. To secure the right to appropriate and divert the waters of Madison River into Idaho would require the consent of the State of Montana and an agreement with the Montana Power Company. Governor Ross and I visited Montana some time ago and had a conference with the State officials and the officials of the Montana Power Company, and found them in a receptive frame of mind. In fact, we found Montana had a program of water utilization which included the diversion of Madison River into Idaho on the assumption, of course, that Idaho would participate in the Montana program. Governor Cooney expressed himself as being very favorably inclined toward this proposition, but since that time he has died and we are now negotiating with his successor, Governor Holt, for a conference about the 10th of February. The diversion of Madison River would be a complete solution of the water problem of the Upper Snake River Valley, but, naturally, it must be expected that many difficulties will be encountered, and probably an act of

1/29/36

the Legislature will be required to authorize such diversion. Frankly, I must say that the situation is a complicated and discouraging one. However, we have the prospect of a better water supply for next year than we have had for many years, which will relieve the tension and give us time within which we may be able to work out some solution of the problem.

I assure you that this Department and the water users of the Snake River Valley appreciate your interest in the matter.

There is a great deal of interest being displayed here with reference to Doctor Mead's successor as Commissioner of Reclamation. A small coterie of the "busy boys" got together here last Monday evening and, I understand, wired Secretary Ickes recommending the appointment of Marshall Dana for that position. I am a great admirer of Marshall Dana from the standpoint of his oratorical ability and activity in the organization and work of the National Reclamation Association; but Mr. Dana is not an engineer, and in my judgment, is wholly unqualified by business experience to hold such position. I sincerely hope that some Western man may be appointed as Commissioner, and while I have no one to recommend, there certainly must be available a qualified engineer and construction man for this position, somewhere in the West.

With kindest regards to you all, I am

Very truly yours,

Commissioner of Reclamation

RWF/mt
Enc.

36-Interstate
Ida. Montana

January 29, 1936

Hon. C. BEN ROSS
Governor
Building

Dear Governor Ross:

I am enclosing herewith copy of a letter from Leo Bresnahan, Assistant Attorney General, relative to the procedure necessary to appropriate and divert water from Montana into Idaho, which is rather discouraging in that it suggests that an act of the Legislature may be necessary before such right can be secured. However, after conference with the Montana officials some way may be found to avoid this and other difficulties.

Very truly yours,

Commissioner of Reclamation

RWF/mt
Enc.

(Bres. letter
on Jarvis' desk)

COPY

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

January 29, 1936

Hon. D. WORTH CLARK, M. C.
Washington, D. C.

Dear Worth:

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Hon. D. North Clark

-3-

1/25/36

the Legislature will be required to authorize such diversion. Frankly, I must say that the situation is a complicated and discouraging one. However, we have the prospect of a better water supply for next year than we have had for many years, which will relieve the tension and give us time within which we may be able to work out some solution of the problem.

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With kindest regards to you all, I am

Very truly yours,

Commissioner of Reclamation

RW/ms
Enc.

36- Interstate
Ida - Mont

Helena, Montana
January 31, 1936

The Honorable C. Ben Ross
Governor, State of Idaho
Boise, Idaho

Dear Governor:

Pardon my delay in replying to your letter of January 26th. Mr. J. S. James, our State Engineer, who should be present at the conference you suggest, left last night for Washington, D. C., and it is impossible to say how long he will be absent. I suggest therefore that it will be much better to plan for this meeting on, or about, February 25th.

Best wishes.

Sincerely yours,

EIMER HOLT

Governor

OFFICE OF THE GOVERNOR
STATE OF IDAHO
BOISE, IDAHO

36-Interstate
Idaho-Montana

February 20, 1956

Hon. C. BEN ROSS,
Governor,
Boise, Idaho

Dear Governor Ross:

With reference to the proposed trip to Montana, I am summoned to be in the Federal Court in Salt Lake on March 5th. I have been hoping that arrangements might be made so that in order to save time and expense I might be able to combine the two, either making the Montana trip immediately before or following the Salt Lake hearing.

I would appreciate any information you have with reference to negotiations with the Montana state officials.

Very truly yours,

Commissioner of Reclamation

RWF/mt

STATE OF IDAHO
OFFICE OF THE GOVERNOR
BOISE

February 21, 1936

36
Ida-Montana

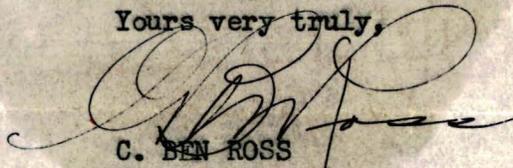
Mr. R. W. Faris
Commissioner of Reclamation
STATE HOUSE

My dear Mr. Faris:

Received your letter of February 20, and may I say the Governor of Montana does not want to have a conference until his State Engineer has returned from Washington, D. C.

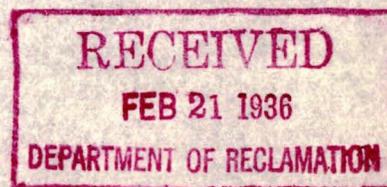
I expect to leave for Washington within the next five or six days, and will be gone for some ten days or two weeks. However, immediately upon my return we will again contact Governor Holt in an attempt to arrange a meeting.

Yours very truly,



C. BEN ROSS
Governor

CBR
LR



CLASS OF SERVICE DESIRED

DOMESTIC	FOREIGN
TELEGRAM	FULL RATE CABLE
DAY LETTER	DEFERRED CABLE
NIGHT MESSAGE	NIGHT CABLE LETTER
NIGHT LETTER	WEEK-END CABLE LETTER
SHIP RADIOGRAM	RADIOGRAM

Patrons should check class of service desired, otherwise message will be transmitted as a full-rate communication

COPY

POSTAL TELEGRAPH—CABLE CO.
TELEGRAM

FEBRUARY 25, 1936

E. B. DEBLER
 c/o U. S. BUREAU RECLAMATION
 FEDERAL BUILDING
 SALT LAKE CITY, UTAH

GOVERNOR ROSS UNEXPECTEDLY CALLED TO WASHINGTON AHEAD OF SCHEDULE
 ON WHICH ACCOUNT MONTANA CONFERENCE WILL HAVE TO BE POSTPONED UNTIL HIS
 RETURN (STOP) WILL KEEP IN TOUCH WITH YOU

R. W. FARIS
 Commissioner of Reclamation

Charge: State Dept. Reclamation

*36 - Interstate
 Idaho - Montana*

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION
CUSTOMHOUSE
DENVER, COLORADO

OFFICE OF THE CHIEF ENGINEER



March 4, 1936.

Mr. R. W. Faris,
State Commissioner of Reclamation,
Boise, Idaho.

Dear Mr. Faris:

While Mr. Debler was in Boise arrangements were tentatively made for a conference with Montana authorities on the Madison River diversion to Snake River to be attended by Governor Ross, yourself and Mr. Debler. It became necessary for Mr. Debler to proceed hurriedly to Salt Lake City, and it also developed that Governor Ross had to travel directly to Washington.

In view of the insistent and repeated demands for the completion of the Madison River report, I will appreciate anything you can do to bring about an early conference with Montana authorities in order that the report on the diversion plan may be completed at an early date.

Very truly yours,

A. F. Walter
Chief Engineer.

RECEIVED
MAR 20 1936
DEPARTMENT OF RECLAMATION

527 Broadway
Helena, Montana
March 18, 1936

Mr. R. W. Faris
Commissioner of Reclamation
Boise, Idaho

My dear Mr. Faris:

We are writing to inform you of the progress that is being made on the proposed Yellowstone Project.

I recently had the good fortune to talk to Mr. O. S. Warden of Great Falls, Montana, President of the National Reclamation Association, in regard to this project. He has asked Mr. John E. Pope of the Montana State Planning Board to make him a report advising him of the feasibility of the project in regard to using his (Mr. Warden's) support in asking for funds to make preliminary surveys.

There is no question in the writer's mind that Mr. Pope will want to know the amount of money that Idaho will be willing to pay for the water that it is proposed to divert from Hebgen Reservoir into Henrys Lake. A great deal of the success of this project therefore rests with Idaho, and it is a known fact that water is worth as much as you can pay for it. It is the belief of the writer that Idaho can pay \$1.50 per acre foot for 500,000 acre feet of diverted water making a yearly payment of \$750,000. Capitalizing this sum at 4% for forty years is approximately \$15,000,000. The estimated cost of the tunnel is \$4,000,000, and this would be practically all of the construction cost as regards Idaho. It is therefore reasonable to assume that Idaho would be willing to place the remainder or \$11,000,000 in the construction of the dam on the Yellowstone and the tunnel through the mountains to the Missouri River Watershed so that the Yellowstone River diversion could replace the supply diverted to Idaho.

As you know, the Montana law requires that the State Legislature must be petitioned to act on such diversions. Until all is known about this project, (and that can only be learned by making surveys) it would be unwise to petition the State Legislature. We are therefore concerned in dealing with the question of setting up what information we do have and what Idaho will do in regard to this diversion in the best light possible so that any reports that may be written asking for aid in making preliminary surveys may have a better chance of success.

The above is offered in a sincere effort to aid this project and is suggested in that light. We would be pleased to

receive from you some idea of what Idaho will be able to pay as indicated above.

Please be assured of our continued cooperation and our appreciations of your assistance in this work.

Very truly yours,

John T. Tucker
John T. Tucker

IN THE DISTRICT COURT OF THE NINTH JUDICIAL DISTRICT OF THE STATE
OF IDAHO, IN AND FOR THE COUNTY OF FREMONT

36
TETON VALLEY POWER AND MILLING COMPANY,
A CORPERATION,

Plaintiff,

vs

Lynn Brandall, Watermaster of District
No. 36, R. W. Faris, Commissioner of
Reclamation of the State of Idaho,
Grand Teton Reservoir Company, a cor-
poration,

Defendants.

)
(
)
(FINDINGS OF FACT, CON-
CLUSIONS OF LAW AND
DECREE.
)
)
(

This cause came on for hearing in Chambers at Idaho Falls, Idaho, pursuant to agreement between Counsel for the respective parties, and was heard this 18th day of December, 1936; the plaintiff was present by its officers and by its counsel, O. A. Johannesen, the defendants R. W. Faris, Commissioner of Reclamation, and Lynn Crandall, Watermaster of District No. 36, were present in person and were represented by Leo M. Bresnahan, Assistant Attorney General of the State of Idaho.

The plaintiff, through its counsel, asked leave to amend the prayer of its complaint thereby requesting a decree for only 80 second feet of water from Teton River, with a priority date of October 1, 1921, and the said defendants, through their attorney, asked leave to amend their answer, so that the same, in paragraph III thereof, will admit that the plaintiff is entitled to the use of 80 second feet of water of Teton River for power purposes, with

a priority date of October 1, 1921. The motions on behalf of the plaintiff and the said named defendants were both granted, and the amendments accordingly made.

The plaintiff thereupon introduced oral and documentary evidence in support of its claim to the right to use 80 second feet of water, flowing in Teton River, for power purposes, through its power plant on said river, with a priority date of October 1, 1921. The defendants offered no testimony to the contrary and thereupon plaintiff and said defendants rested. The Court, therefore, being fully informed as to facts and the law, finds, concludes and decrees, as follows:

FINDINGS OF FACT

1. That the plaintiff has been and now is a corporation, duly organized and existing under and by virtue of the laws of the State of Idaho, having complied with the laws of said State.

2. That the defendant Lynn Crandall is the duly appointed, elected and acting watermaster of water district No. 36 in the State of Idaho; that the defendant R. W. Faris, is the duly appointed, commissioned and acting Commissioner of Reclamation of the State of Idaho; that the defendant Grand Teton Reservoir Company is a corporation organized and existing under the laws of the State of Idaho.

3. That the plaintiff corporation did, on or about January 11 1917, obtain a permit from the Department of Reclamation of the State of Idaho, permitting said plaintiff to appropriate and use 300 second feet of water for power purposes, said ^d water being diverted in Section 29, Twp. 7 N., Range 44 E.B.M., from what is known as the Teton River, a tributary of Snake River. That the

plaintiff corporation constructed a diversion dam, tunnel, pipeline, power house and installed in said power house machinery for the development of hydro-electric power. That commencing with October 1, 1921, and at all times from and since said date, the plaintiff corporation has made beneficial use of 80 second feet of the water of the Teton River for the generation of electric power at its power plant. That from and since October 1, 1921, the said power plant has generated electrical power which has been used by the citizens of what is known as the Teton Valley, located principally in Teton County, State of Idaho.

4. That the plaintiff corporation has made due beneficial use of 80 cubic feet per second of the water flowing in the Teton River, a tributary of the Snake River, from October 1, 1921, and has the right to divert and use for power purposes 80 cubic feet per second of the water of said Teton River, for power purposes, through its aforesaid hydro-electric plant, with a priority date of October 1, 1921.

5. That the right of the plaintiff to the beneficial use of the aforesaid 80 cubic feet per second of water of the Teton River is supplemental to the rights decreed in the case of "Rexburg Irrigation Company et al, plaintiff, vs Teton Irrigation Canal Company et al, defendants," recorded in Book B of Judgments at Page 449, Records of Fremont County, Idaho, and also supplemental to the rights decreed in the case of "Woodville Canal Company, plaintiff, vs Clark & Edwards Canal and Irrigation Company, defendant," filed in the United States District Court for the State of Idaho, on June 25, 1929.

6. That the defendant Grand Teton Reservoir Company, a corporation, has defaulted in pleading to plaintiff's complaint, and its default has been duly entered herein.

7. That the defendants Lynn Grandall, Watermaster of Dis-

trict No. 36, and R. W. Faris, Commissioner of Reclamation of the State of Idaho, have made answer to plaintiff's complaint and have admitted that the plaintiff has made beneficial use of 80 cubic feet per second of water, for power purposes, diverted from the Teton River. That the plaintiff has amended the prayer of its complaint and has requested a decree for only 80 cubic feet per second of the waters of said river.

8. That each and all of the material allegations of plaintiff's complaint, as amended, have been proven by proper and competent evidence and are found, by this Court, to be true.

CONCLUSION OF LAW

As a conclusion of law the Court finds that the plaintiff corporation is entitled to the decree of this Court, decreeing to it the right to use, for hydro-electric power purposes, 80 cubic feet per second of the waters of the Teton River, a tributary of Snake River, with a priority date of October 1, 1921.

JUDGMENT AND DECREE

It is hereby ordered, adjudged and decreed that the plaintiff Teton Valley Power & Milling Company, a corporation, be and it is hereby awarded the use of 80 cubic feet per second of the waters of Teton River, for hydro-electric power purposes, diverted from said river at a point in the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 29, Twp. 7 N., Range 44 E.B.M., in Teton County, State of Idaho, with a priority date of October 1, 1921, the same to be measured at the point of diversion.

It is further ordered, adjudged and decreed that the plaintiff corporation has made beneficial use of the aforesaid 80 cubic feet per second of water, diverted from the Teton River, a tributary of

Snake River, from the aforesaid date of October 1, 1921.

Dated this 18th day of December, 1936.

H. J. Taylor

District Judge